

## **Article 6. Use Regulations**

### **6.1 Purpose**

The intent of this Article is to provide for patterns of land use consistent with the Comprehensive Plan, and to encourage the arrangement of land uses so as to minimize conflicts among various types of land use activities while recognizing the City's need for such activities.

### **6.2 Types of Use**

**A.** Uses of land or structures which are not expressly listed in the Use Table as permitted uses (P), permitted uses subject to specific use standards (P\*), or conditional uses (C) in a zoning district or planned development are prohibited uses and shall not be established in that district or planned development.

**B.** The Administrator shall determine whether or not an unlisted use, that is otherwise prohibited, as stated above should be processed. In doing so, the Administrator shall utilize purpose statements adopted herein in conjunction with the applicable zoning district, and consideration of the following criteria:

1. The actual or anticipated characteristics of the activity in relationship to known characteristics of similar projects in standard planning practice;
2. The relative amount of site area, floor space, and equipment;
3. Relative volumes of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity and the relative number of vehicle trips generated by the use; and
9. How the use advertises itself.

#### **C. Use Table**

Except as otherwise specifically provided herein, regulations governing the use of land and structures with the various zoning districts and classifications of planned developments are hereby established as shown in the following Use Table.

##### **1. Permitted Uses**

A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

##### **2. Permitted Uses Subject to Specific Standards**

A "P\*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.3, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

##### **3. Conditional Uses**

A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 6.2, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

| USE TABLE  |    | Residential Districts |      |     |      |       |       |       |       |       |         | Non-Residential Districts |     |     |       |         |     |     |     |                |        |        |        |
|--|----|-----------------------|------|-----|------|-------|-------|-------|-------|-------|---------|---------------------------|-----|-----|-------|---------|-----|-----|-----|----------------|--------|--------|--------|
| Specific Uses  |    | A-O                   | A-OR | R-1 | R-1B | R-2** | R-3** | R-4** | R-6** | R-7** | P-MUD** | A-P                       | C-1 | C-2 | C-3** | R & D** | M-1 | M-2 | C-U | WPC**          | NG-1** | NG-2** | NG-3** |
| <b>KEY:</b> P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use |    |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| <b>RESIDENTIAL</b>   |    |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Boarding & Rooming House   |    |                       |      |     |      |       | P     | P     |       | P     |         |                           |     |     |       |         |     |     |     |                |        |        | P      |
| Extended Care Facility / Convalescent / Nursing Home   |    |                       |      |     |      |       | P     | P     |       | P     |         |                           | P   | P   |       |         |     |     |     | P              |        |        |        |
| Dormitory  |    |                       |      |     |      |       | P     | P     |       | P     |         |                           |     |     |       |         |     |     |     |                | P      | P      | P      |
| Duplex   |    |                       |      |     | P    |       | P     | P     |       | P     |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Fraternity / Sorority  |    |                       |      |     |      |       | P     | P     |       |       |         |                           |     |     |       |         |     |     |     |                | P      | P      | P      |
| Manufactured Home  | P* | P*                    |      |     |      |       |       |       |       | P*    |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Multi-Family   |    |                       |      |     |      |       | P     | P     |       | P     |         |                           |     |     |       |         |     |     |     | C <sup>1</sup> | P      | P      | P      |
| Multi-Family built prior to January 2002   |    |                       |      |     |      |       | P     | P     |       |       |         |                           |     |     |       |         |     |     |     | P              | P      | P      | P      |
| Single-Family Detached   | P  | P                     | P    | P   | P    | P     |       |       |       | P     |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Townhouse  |    |                       |      |     |      | P     | P     | P     |       | P     |         |                           |     |     |       |         |     |     |     |                |        |        | P      |
| <b>PUBLIC, CIVIC AND INSTITUTIONAL</b>   |    |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Educational Facility, College & University   |    |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     | P   |                |        |        |        |
| Educational Facility, Indoor Instruction   |    |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   |       |         |     |     |     | P              | P      | P      | P      |
| Educational Facility, Outdoor Instruction  | P  | C                     |      |     |      |       |       |       |       |       | P       |                           | P   | P   |       |         |     |     |     |                |        |        |        |
| Educational Facility, Primary & Secondary  |    |                       | P    | P   | P    | P     | P     | P     |       | P     | P       | P                         | P   | P   |       |         |     |     |     |                |        |        |        |
| Educational Facility, Tutoring   |    |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   |       |         |     |     |     | P              | P      | P      | P      |
| Educational Facility, Vocational / Trade   |    |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   |       |         | P   | P   |     |                |        |        |        |
| Governmental Facilities  | P* | P*                    | P*   | P*  | P*   | P*    | P*    | P*    | P*    | P*    | P       | P                         | P   | P   | P     | P       | P   | P   | P   | P              | P      | P      | P*     |
| Health Care, Hospitals   |    |                       |      |     |      |       |       |       |       |       |         |                           | P   | P   |       |         |     |     |     |                |        |        |        |
| Health Care, Medical Clinics   |    |                       |      |     |      |       |       |       |       |       |         | P                         | P   | P   | P     |         |     |     |     |                | P      | P      |        |
| Parks  | P  | P                     | P    | P   | P    | P     | P     | P     | P     | P     | P       | P                         | P   | P   | P     | P       | P   | P   |     | P              | P      | P      | P      |
| Places of Worship  | P* | P*                    | P*   | P*  | P*   | P*    | P*    | P*    | P*    | P*    | P       | P                         | P   | P   | P     | P       | P   | P   | P   | P              | P      | P      | P      |
| <b>COMMERCIAL, OFFICE AND RETAIL</b>   |    |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Agricultural Use, Barn or Stable for Private Stock   | P  | P                     |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Agricultural Use, Farm or Pasturage  | P  | P                     |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |
| Agricultural Use, Farm Product Processing  | P  |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |                |        |        |        |

<sup>1</sup> Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

\*\* District with Supplemental Standards (Refer to Article 5).

| USE TABLE  | Residential Districts |      |     |      |       |       |       |       |       |         | Non-Residential Districts |     |     |       |         |     |     |     |       |        |        |        |
|--|-----------------------|------|-----|------|-------|-------|-------|-------|-------|---------|---------------------------|-----|-----|-------|---------|-----|-----|-----|-------|--------|--------|--------|
| Specific Uses  | A-O                   | A-OR | R-1 | R-1B | R-2** | R-3** | R-4** | R-6** | R-7** | P-MUD** | A-P                       | C-1 | C-2 | C-3** | R & D** | M-1 | M-2 | C-U | WPC** | NG-1** | NG-2** | NG-3** |
| <b>KEY:</b> P = Permitted by Right ;   P* = Permitted Subject to Specific Use Standards;   C = Conditional Use |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |       |        |        |        |
| <b>COMMERCIAL, OFFICE AND RETAIL (continued)</b>   |                       |      |     |      |       |       |       |       |       |         |                           |     |     |       |         |     |     |     |       |        |        |        |
| Animal Care Facility, Indoor   |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   | P     |         |     |     |     | P     | P      | P      |        |
| Animal Care Facility, Outdoor  | P*                    |      |     |      |       |       |       |       |       |         |                           |     | P   | P     |         |     |     |     |       |        |        |        |
| Art Studio / Gallery   |                       |      |     |      |       |       |       |       |       | P       | P                         | P   |     | P     |         |     |     |     | P     | P      | P      | P      |
| Car Wash   |                       |      |     |      |       |       |       |       |       |         |                           | P*  |     |       |         |     |     |     |       |        |        |        |
| Commercial Garden / Greenhouse / Landscape Maint.  | P*                    |      |     |      |       |       |       |       |       |         |                           | P*  | P*  |       |         |     | P*  |     |       |        |        |        |
| Commercial Amusements  |                       |      |     |      |       |       |       |       |       | P       |                           | P*  | P*  |       |         |     |     |     | P     | P      | P      |        |
| Conference / Convention Center   |                       |      |     |      |       |       |       |       |       | P       |                           | P   | P   |       |         |     |     |     | P     | P      | P      |        |
| Country Club   | P                     | P    | P   | P    |       |       |       |       |       | P       |                           | P   | P   |       |         |     |     |     |       |        |        |        |
| Day Care, Commercial   |                       |      |     |      |       |       | C     | C     | C     | P       | P                         | P   |     | P     |         |     |     |     |       | P      | P      | P      |
| Drive-in / thru window   |                       |      |     |      |       |       |       |       |       |         |                           | P   |     |       |         |     |     |     | C     |        | P*     |        |
| Dry Cleaners & Laundry   |                       |      |     |      |       |       |       |       |       | P*      | P*                        | P   | P   | P*    |         |     |     |     | P*    | P*     | P*     | P*     |
| Fraternal Lodge  |                       |      |     |      |       |       |       |       |       | P       |                           | P   | P   |       |         |     |     |     |       | P      | P      | P      |
| Fuel Sales   |                       |      |     |      |       |       |       |       |       | P*      |                           | P*  |     | P*    |         |     | P   |     |       |        |        |        |
| Funeral Homes  |                       |      |     |      |       |       |       |       |       |         |                           | P   | P   |       |         |     | P   |     |       |        |        |        |
| Golf Course or Driving Range   | P*                    |      |     |      |       |       |       |       |       | P*      |                           | P*  | P*  |       |         |     |     |     |       |        |        |        |
| Health Club / Sports Facility, Indoor  |                       |      |     |      |       |       |       |       |       | P       |                           | P   |     | P     |         |     |     |     | P     | P      | P      | P      |
| Health Club / Sports Facility, Outdoor   |                       |      |     |      |       |       |       |       |       | P       |                           | P   |     |       |         |     |     |     | P     | P*     | P      |        |
| Hotels   |                       |      |     |      |       |       |       |       |       | P       |                           | P   |     |       |         |     |     |     | P     | P      | P      |        |
| Night Club, Bar or Tavern  |                       |      |     |      |       |       |       |       |       | C       |                           | C   |     |       |         |     |     |     | P     | P      | P      |        |
| Offices  |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   | P     | P       | P   | P   |     | P     | P      | P      | P      |
| Parking as a Primary Use   |                       |      |     |      |       |       |       |       |       | P       | C                         | P   | P   |       |         |     |     |     | P     |        | P*     |        |
| Personal Service Shop  |                       |      |     |      |       |       |       |       |       | P       | P                         | P   |     | P     |         |     |     |     | P     | P      | P      | P      |
| Printing / Copy Shop   |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   | P     |         |     |     |     | P     | P      | P      |        |
| Radio / TV Station / Studios   |                       |      |     |      |       |       |       |       |       | P       | P                         | P   | P   | P     |         | P   | P   |     |       |        | P*     |        |
| Restaurants  |                       |      |     |      |       |       |       |       |       | P       |                           | P   |     | P*    |         |     |     |     | P     | P      | P      | P*     |

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| <b>KEY:</b> P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     |     |     |       |        |        |        |
| <b>COMMERCIAL, OFFICE AND RETAIL (continued)</b>   |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     |     |     |       |        |        |        |
| Retail Sales - Single Tenant over 50,000 SF  |                       |      |     |      |       |       |       |       |       |         |     | P                         |     |       |         |     |     |     |       |        | P      |        |
| Retail Sales and Service   |                       |      |     |      |       |       |       |       |       | P       |     | P*                        | P*  | P     |         |     |     |     | P     | P      | P      | P      |
| Sexually Oriented Business (SOB)   | P*                    | P*   | P*  | P*   | P*    | P*    | P*    | P*    | P*    | P*      | P*  | P*                        | P*  | P*    | P*      | P*  | P*  | P*  | P*    | P*     | P*     | P*     |
| Shooting Range, Indoor   |                       |      |     |      |       |       |       |       |       | P       |     | P                         | P   |       |         |     |     |     | P     |        |        |        |
| Theater  |                       |      |     |      |       |       |       |       |       | P       |     | P                         |     |       |         |     |     |     | P     | P      | P      | P      |
| Retail Sales, Manufactured Homes   |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     | P*  |     |       |        |        |        |
| Storage, Self Service  |                       |      |     |      |       |       |       |       |       |         |     | P                         | P   | P*    |         |     | P   |     |       |        |        |        |
| Vehicular Sales, Rental, Repair and Service  |                       |      |     |      |       |       |       |       |       |         |     | P*                        | P*  |       |         |     | P*  |     |       |        |        |        |
| Wholesales / Services  |                       |      |     |      |       |       |       |       |       |         |     | P*                        | P*  |       |         | P   | P   |     |       |        |        |        |
| <b>INDUSTRIAL AND MANUFACTURING</b>  |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     |     |     |       |        |        |        |
| Bulk Storage Tanks / Cold Storage Plant  |                       |      |     |      |       |       |       |       |       |         |     |                           | P   |       |         |     | P   |     |       |        |        |        |
| Industrial, Light  |                       |      |     |      |       |       |       |       |       |         |     |                           | P   |       | P       | P   | P   |     |       |        |        |        |
| Industrial, Heavy  |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     | P   |     |       |        |        |        |
| Recycling Facility – Large   |                       |      |     |      |       |       |       |       |       |         |     |                           | P*  |       |         |     | P   |     |       |        |        |        |
| Salvage Yard   |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     | P*  |     |       |        |        |        |
| Scientific Testing / Research Laboratory   |                       |      |     |      |       |       |       |       |       |         |     |                           | P   |       | P       | P   |     |     |       |        |        |        |
| Storage, Outdoor - Equipment or Materials  |                       |      |     |      |       |       |       |       |       |         |     |                           | P   |       |         | P   | P   |     |       |        |        |        |
| Truck Stop / Freight or Trucking Terminal  |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     | P   |     |       |        |        |        |
| Utility  | P*                    | P*   | P*  | P*   | P*    | P*    | P*    | P*    | P*    | P*      | P*  | P*                        | P*  | P*    | P*      | P*  | P*  | P*  | P*    | P*     | P*     | P*     |
| Warehousing / Distribution   |                       |      |     |      |       |       |       |       |       |         |     |                           | P   |       |         | P   | P   |     |       |        |        |        |
| Waste Services   |                       |      |     |      |       |       |       |       |       |         |     |                           |     |       |         |     | P   |     |       |        |        |        |
| Wireless Telecommunication Facilities – Intermediate   | P*                    |      |     |      |       |       |       |       |       | P*      | P*  | P*                        | P*  | P*    | P*      | P*  | P*  |     | P*    | P*     | P*     | P*     |
| Wireless Telecommunication Facilities – Major  | C                     |      |     |      |       |       |       |       |       |         | C   | C                         | C   | C     | C       | C   | P*  |     |       |        |        |        |
| Wireless Telecommunication Facilities – Unregulated  | P                     | P    | P   | P    | P     | P     | P     | P     | P     | P       | P   | P                         | P   | P     | P       | P   | P   |     |       | P      | P      | P      |

<sup>1</sup> Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

\*\*District with Supplemental Standards (Refer to Article 5).

**Per Ordinance No. 2881 (March 23, 2006)**

### 6.3 Specific Use Standards

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 6.2, Types of Use, with a "P\*." A site plan review, as required by Section 3.5, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 7.6, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

#### A. Animal Care Facilities

Any animal care facilities with defined outdoor uses and/or facilities shall be located a minimum of 500 feet from existing or developing residential areas; and facilities with outdoor facilities for large animals shall be permitted in A-O, Agricultural Open, only.

#### B. Car Wash

Vacuums shall be located a minimum of 100 feet from any adjacent residential use.

#### C. Commercial Amusements

All outdoor activity must be located a minimum of 300 feet from an existing residential use.

#### D. Commercial Garden / Greenhouse / Landscape Maintenance

Outdoor storage and display of unpackaged or bulk materials, including but not limited to topsoil, manure, and aggregate materials, shall be screened and located at least 50 feet from all property lines and not closer than 150 feet from an existing residential use.

#### E. Drive-in / Thru Window

In all Northgate Zoning Districts, all site designs and elevations for drive-in/thru windows shall be reviewed by the Design Review Board as part of the site plan review process. All outside activities and appurtenances related to drive-in/thru service shall be located wholly underneath a habitable structure, screened from view from the University Drive right-of-way, and designed to be sensitive to the pedestrian environment.

***Per Ordinance No. 2881 (March 23, 2006)***

#### F. Dry Cleaners / Laundry

All activity must be wholly contained within a building not to exceed 3,000 square feet in size.

#### G. Fuel Sales

10. Any vehicle repair uses must comply with Section 6.3.P, Vehicular Sales, Rental, Repair and Service.
11. All activities except those associated with fuel pumping must be conducted within an enclosed building.
12. Ice and vending machines must be enclosed in a building.
13. No signage, in addition to the signage allowed in Section 7.4, Signs, may be allowed within view of the right-of-way.
14. No outside storage or display of vehicles for any purpose.
15. A drive-thru car wash designed to accommodate one vehicle shall be permitted as an accessory use.
16. In C-3, Light Commercial fuels sales shall be limited to facilities designed to accommodate a maximum of four (4) vehicles obtaining fuel simultaneously.

17. Minimum setback requirements shall be as follows:

|            | Front   | Side    | Rear    | Side Street |
|------------|---------|---------|---------|-------------|
| Fuel pumps | 50 feet | 25 feet | 25 feet | 25 feet     |
| Canopies   | 40 feet | 15 feet | 15 feet | 15 feet     |

18. Storage tanks must be located below grade.

**H. Golf Course or Driving Range**

1. All driving ranges shall be a minimum of ten (10) acres and have a minimum field size of 275 yards.
2. Driving ranges are classified as commercial enterprises and must comply with Section 7.6, Buffer Requirements.
3. For driving ranges, all balls must remain on the property through proper orientation of the tee boxes, adequate buffering or screening, and barrier nets.
4. No building, structure, or outdoor activity of a driving range shall be located within 100 feet of residentially-zoned property.
5. All ground-level lighting of a driving range's landing area shall be directed away from adjacent properties and screening shall be provided with plantings, berms, or other means to limit nuisances associated with lighting and resulting glare.

**I. Government Facilities and Utilities**

Activities not wholly contained within a building shall not be located within 100 feet of a single-family residential use unless buffered by a 25 foot buffer yard and a six-foot privacy fence, in accordance with Section 7.6, Buffer Requirements.

**J. Health Club / Sports Facility, Outdoor**

In all Northgate Zoning Districts, outdoor health clubs/sports facilities shall only be allowed on roof tops.

*Per Ordinance No. 2881 (March 23, 2006)*

**K. Manufactured Homes**

1. The placement of an individual manufactured home where permitted or the replacement of an existing manufactured home shall be subject to obtaining a Location Permit issued by the Building Official and Administrator. The application for such a permit shall be accompanied by a location plan including the following information:
  - a. Location plan showing the dimension of the site, required setback lines, the placement of the manufactured home, the designated parking, and any existing structures on the same or adjoining lots;
  - b. A signed and dated application, requesting permission to locate the structure on the lot; and
  - c. A legal description of the location of the property within the City.
2. All manufactured homes shall be skirted with brick, vinyl, or other solid skirting materials within four (4) months of occupancy of the lot.
3. All trailer hitches and other devices designed to aid in the transport of the manufactured homes must be removed within four (4) months of occupancy of the lot.

**L. Mobile Home**

A mobile home, after the effective date of this UDO, may not be located within the corporate limits of College Station for residential dwelling. A mobile home legally located within the corporate limits of College Station may continue to be used as a residential dwelling, but shall not be relocated or enlarged. A mobile home may be replaced by a manufactured home.

**M. Parking as a Primary Use**

In all Northgate Zoning Districts, parking as a primary use shall be permitted when all of the parking is located within a multi-level garage.

***Per Ordinance No. 2881 (March 23, 2006)***

**N. Radio / TV Station / Studios**

In all Northgate Zoning Districts, outdoor transmission facilities shall be completely screened from view from any right-of-way.

***Per Ordinance No. 2881 (March 23, 2006)***

**O. Recycling Facilities**

1. Any facility located within 500 feet of property zoned or developed for residential use shall not be in operation between 7:00 p.m. and 7:00 a.m.
2. Light processing, including compacting, baling, and shredding, must be directly related to efficient temporary storage and shipment of materials. No facility as described in this subsection shall abut property zoned or developed for single-family residential use.
3. A minimum of six (6) parking spaces shall be provided, plus one (1) space per employee and for each vehicle of the facility.
4. Each container shall be clearly marked to specify materials that are accepted. The name and telephone number of the operator and the hours of operations shall be conspicuously displayed. All sign regulations of the district in which the facility is located shall apply.
5. Each facility shall be screened from the public right-of-way by operating in an enclosed building with no outside storage or by operating within an area enclosed by an opaque fence at least eight feet (8') in height.

**P. Retail Sales / Manufactured Homes**

Manufactured homes undergoing repair and remaining on site in excess of 48 hours shall be screened from public view in an enclosed area.

**Q. Restaurant**

1. The maximum size shall be 2,500 square feet.
2. Drive-ins and drive-thrus are prohibited.

**R. Sales and Service (Retail and Wholesale)**

**Sales Matrix**

|                                |                        |                           |
|--------------------------------|------------------------|---------------------------|
| Retail.....SALES.....Wholesale | C-1 General Commercial | C-2 Commercial/Industrial |
|                                | C-1 General Commercial | C-2 Commercial/Industrial |

Minor.....STORAGE.....Major

1. Storage is allowed in C-1 if the square feet of storage is less than 50% of the total physical space, exclusive of office areas.
2. Sales are allowed in C-2 if the square feet of sales is less than 50% of the total physical space, exclusive of office area.
3. Each sales use in a shopping center must meet the storage square-foot criteria above to be permitted in that zoning district.

**S. Salvage Yard**

1. Salvage or junkyards shall be visually screened on front, rear, and all sides by means of a solid eight-foot (8') high wooden privacy fence.
2. Material that is not salvageable shall not be permitted to accumulate. In no case shall material that is not salvageable be buried or used as fill.
3. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half cubic feet or more, from which the door has not been removed.

**T. Sexually-Oriented Business**

**1. General**

These requirements apply to all sexually-oriented businesses as defined in this UDO.

A business is not exempt from regulation under this UDO because it holds a license or permit under the Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages or because it contains one or more coin-operated machines that are subject to regulation or taxation, or both under State law.

Regulations contained within this UDO pertaining to sexually-oriented businesses are based on evidence concerning the adverse secondary effects of adult uses on the communities presented in findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986) and in studies set out below:

- a. Detroit, Michigan
- b. Amarillo, Texas
- c. Los Angeles, California
- d. Indianapolis, Indiana
- e. Phoenix, Arizona
- f. St. Paul, Minnesota
- g. Beaumont, Texas
- h. Seattle, Washington
- i. Austin, Texas

**2. Permitted Locations**

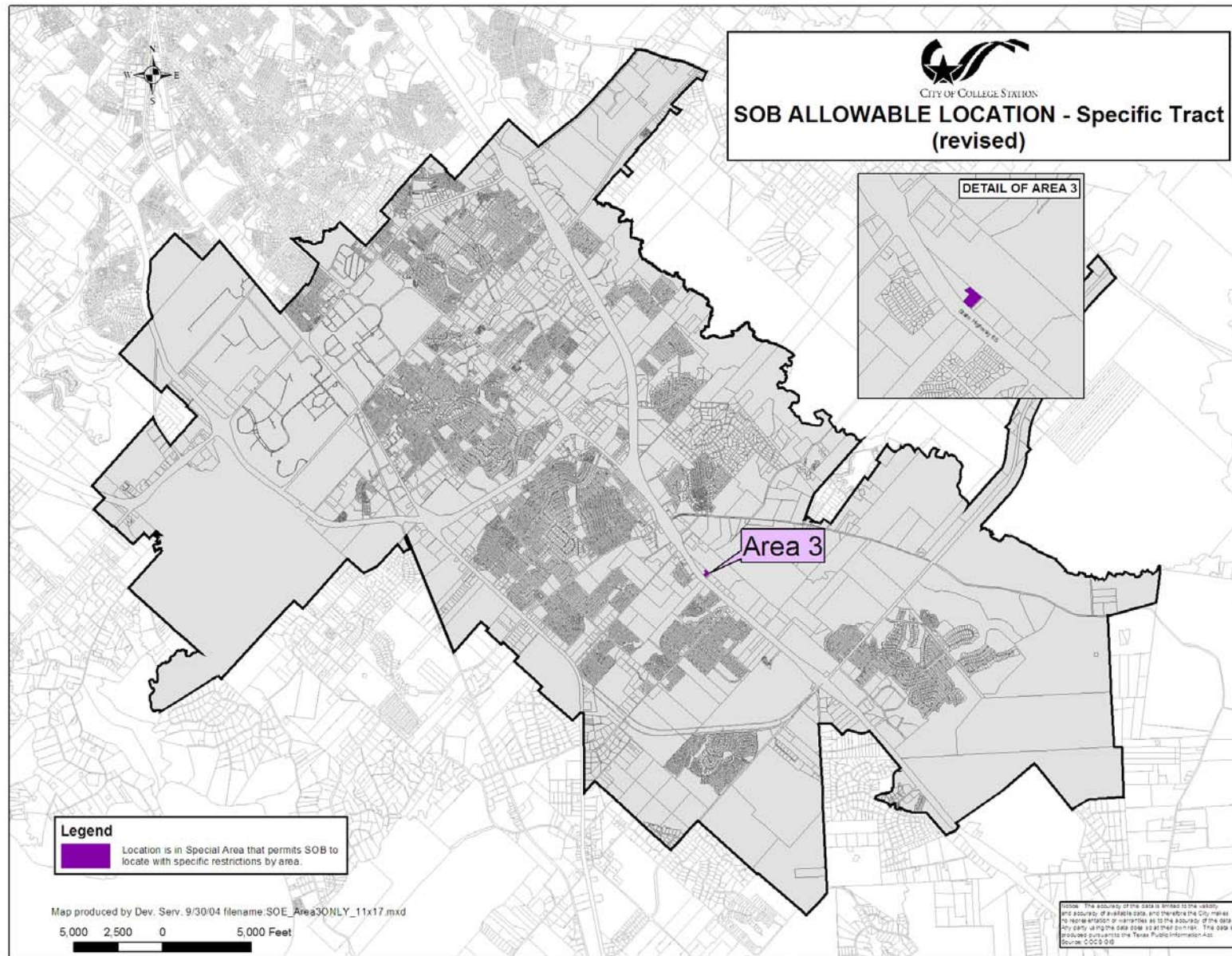
A sexually-oriented business is a permitted use at the following location only and is subject to the specific standards located in this Section and is subject to other applicable regulations of this UDO.

Area 3: State Highway 6 Commercial Tract

All that certain tract or parcel of land lying and being situated in the R. Stevenson Survey, Abstract No. 54, Tract 61, being all of that 2.116 acre tract conveyed to the Blue Dolphin Club, Inc. by deed recorded in volume 2079, page 133 in the Official Records of Brazos County, Texas.



Map of the Potential Location:



**3. Single Adult Use Per Location**

There shall only be one sexually-oriented business permitted per area.

**4. Measurement**

**a. Stock in Trade**

Stock in trade shall be the number of items in stock in the sales and display area at the time of a site inspection. The number of sexually-oriented items shall be calculated as a percentage of total items.

**b. Sales and Display Area**

- 1) The sales and display area shall be the entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually-oriented materials shall be calculated as a percentage of total sales and display area.
- 2) Where sexually-oriented materials are physically separated from other materials by an eight-foot (8') wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.
- 3) Where floor area includes a mixture of sexually-oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include one-half (½) of the area of any aisles adjacent to the display or sales of sexually-oriented materials.

**5. Specific Standards**

**a. Adult Cabaret or Adult Retail Store**

Any performance area shall be elevated at least 24 inches above the level of the patron seating areas and shall be separated by a distance of at least six feet (6') from all areas of the premises to which patrons have access. A continuous railing at least three feet (3') in height, securely attached to the floor, and located at least six feet (6') from all points of the live performance area shall separate performance areas and patron areas.

**b. Adult Arcade, Adult Movie Theater**

- 1) All aisles shall have theater runway and aisle lighting which illuminates the entire floor surface of the aisle at a level of not less than 0.2 foot-candles.
- 2) All theater viewing areas, projection rooms, and viewing booths or rooms shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination so that any patron may be observed from a manager's or employee's station.
- 3) The interior of an adult arcade, and/or adult viewing booth or room, shall be configured in such a way that there is an unobstructed view from a manager's or employee's station of every interior area of the adult arcade and/or viewing booth or room.
- 4) All ventilation devices in or between adult viewing booths, viewing stations and rooms must be covered by a permanently affixed ventilation cover or grill. Ventilation holes, portals or airways may only be located one (1) foot from the top of the station, room or booth walls or one (1) foot from the bottom of the station, room or booth walls. There may not be any other holes or openings in the station, room or booth walls or between stations, rooms or booths.

**c. Limited Adult Retail Store**

The store shall separate all sexually-oriented material from other sales and display areas using an opaque wall at least eight feet (8') in height. Such an area shall incorporate a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter.

**6. Lighting**

Any sexually-oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access so that any patron may be observed from a manager's or employee's station.

**7. Amortization**

A sexually-oriented business in operation prior to the effective date of this UDO which does not conform to the regulations listed above shall be considered to be nonconforming. The nonconforming sexually-oriented business shall be permitted to continue for one (1) year after the effective date of this ordinance unless voluntarily discontinued for a period of 30 days or more. One (1) year after the effective date of this UDO the nonconforming sexually-oriented business shall be illegal and shall terminate, except as provided herein.

**a. Additional Time for Amortization**

In the event an owner of a nonconforming sexually-oriented business is unable to recoup his investment in his sexually-oriented business by the date for the termination of such uses, the owner may request additional time by making application with the Administrator no later than the date for termination of the use.

**b. Application for Additional Time**

The owner shall file, with his request for additional time, all data he wishes considered in support of the request. The owner shall also supply all materials requested by the Administrator, City Attorney, or City Council to determine if the investment has been recouped.

**c. Determination by the City Council**

Upon application by the owner, the City Council may, at its discretion, allow additional time to amortize the investment in a sexually-oriented business if it makes the following findings:

- 1) The owner has made every effort to recoup his investment in the sexually-oriented business;
- 2) The owner will be unable to recoup his investment in a sexually-oriented business by the end of the amortization period; and
- 3) That all applicable provisions of this UDO will be observed.

If the City Council grants additional time, the grant shall be for a period not to exceed one year.

**d. Exemption from Amortization Requirements**

Any owner of a sexually-oriented business wishing to claim an exemption from the amortization requirements of this UDO may apply for an exemption. The City must receive such application no less than sixty (60) days prior to the expiration of the amortization period.

The City Council may grant an exemption if it makes the following findings:

- 1) That the location of the sexually-oriented business will not have a detrimental effect on nearby properties or be contrary to the public health, safety or welfare;
- 2) That the granting of the exemption will not violate the spirit and intent of this UDO;

- 3) That the location of the sexually-oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
- 4) That the location of the sexually-oriented business will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
- 5) That all other applicable provisions of this UDO will be observed.

If an exemption is granted, such exemption shall be valid for a period of one year from the date of the City Council action. Upon expiration of an exemption, a sexually-oriented business shall be in violation of this UDO, shall be illegal, and shall terminate, unless the owner receives another exemption. Additional applications for exemptions shall be submitted at least sixty (60) days prior to the expiration of the exemption period.

The granting of an exemption does not alleviate the owner of a sexually-oriented business from adhering to all other applicable provisions of this UDO.

**U. Storage, Self-Service**

Accessory uses are prohibited.

**V. Utilities**

Activities not wholly contained within a building that abuts single-family residential uses shall construct a 20-foot buffer yard with a six-foot (6') privacy fence, in accordance with Section 7.6, Buffer Requirements.

**W. Vehicular Sales, Rental, Repair and Service**

1. Vehicles undergoing repair, painting, or body work which will remain on site in excess of 48 hours shall be screened from public view or stored indoors.
2. Inoperable vehicles shall not be allowed to remain on site for more than 30 days.
3. All parts, including automobile body parts, shall be stored within an area which is completely screened from public view.

**X. Wireless Telecommunication Facility (WTF)**

**1. Purpose**

The purpose of this section is to establish regulations pertaining to wireless telecommunications facilities that are consistent with federal and state law. The City Council of the City of College Station finds that:

- a. It is in the public interest to promote competition in high quality telecommunications services and the availability of broadband transmission services to all residences and businesses;
- b. It is in the public interest for the City to protect the public safety and welfare, safeguard community land values, promote orderly planning and development and preserve historic sites, structures and areas. Wireless telecommunications facilities should not be allowed to detract aesthetically from the visual quality of surrounding properties or the City; and
- c. The proliferation of wireless telecommunications facilities negatively impacts the appearance, character, and property values of the community. Therefore the City should endeavor to minimize the size, number and obtrusiveness of antennas and towers. Collocation and stealth technologies are strongly encouraged to mitigate negative visual impacts and reduce the total number of towers within the City.

## 2. WTF Categories

In order to expedite the siting and review process, WTFs have been divided into use categories. The review process is more thorough as the intensity of the use increases.

### a. Unregulated Facilities

The WTFs listed below are not regulated by this ordinance and do not require review or approval. This does not exempt these facilities from other applicable city codes, ordinances, and permits.

- 1) Over-the-air reception devices exempted from local ordinances by the Federal Communications Commission (FCC).
- 2) Parabolic antenna less than two (2) meters in diameter.
- 3) Omni-directional antenna (whip antenna) six inches (6") or less in diameter and not extending more than twelve feet (12') above support structure.
- 4) Directional antenna one (1) meter or less measured across the longest dimension and not extending over twelve feet (12') above support structure.
- 5) Public safety tower or antenna.

### b. Intermediate Facilities

- 1) New transmission tower less than 35 feet (10.5 meters) in height.
- 2) New transmission tower that does not extend more than 35 feet (10.5 meters) in height above a support structure and that meets the definition of a stealth facility.
- 3) Parabolic antenna over two (2) meters in diameter.
- 4) Omni-directional antenna (whip antenna greater than six inches (6") in diameter and/or extending twelve feet (12') above the support structure.
- 5) Directional antenna more than one (1) meter measured across the longest dimension and extending over twelve feet (12') above support structure.
- 6) Attached WTFs.
- 7) Antenna collocating on an existing tower.

***Per Ordinance No. 2902 (June 8, 2006)***

### c. Major Facilities

New transmission tower greater than 35 feet (10.5 meters) in height.

## 3. Permitted Locations

### a. All Intermediate WTFs are permitted by right in the following zoning districts:

|     |     |     |                     |
|-----|-----|-----|---------------------|
| A-O | M-1 | C-1 | M-2                 |
| A-P | R&D | C-2 | PDD (except PDD-H)  |
| WPC | NG  | C-3 | City-owned premises |

### b. Major WTFs are allowed in the following zoning districts with a Conditional Use Permit

|     |     |     |                     |
|-----|-----|-----|---------------------|
| M-2 | M-1 | C-1 | C-3                 |
| A-P | R&D | C-2 | City-owned premises |

### c. WTFs may locate on city-owned premises without a conditional use permit with approval of the City Council and subject to the requirements of this ordinance.

## 4. Requirements for Attached WTFs

- a. WTFs may attach to the exterior of any non-residential building within any zoning district provided the antenna and antenna support structure or equipment are mounted flush with the vertical exterior of the building or project no more than twenty-four inches (24") from the surface of the building to which it is attached and does not raise the height of the building more than ten feet (10') and does not violate the maximum height restriction of that zoning district.

- b. Any antenna meeting the stealth antenna definition of this ordinance and locating on an alternative mounting structure may attach to the exterior of any non-residential building within any zoning district with approval of the Administrator.
- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. **Application Procedures**
  - 1) An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
  - 2) A site plan drawn to scale clearly indicating the location, height, and design of the proposed facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
  - 3) A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east, and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
  - 4) Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least 90 miles per hour.
  - 5) All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

***Per Ordinance No. 2902 (June 8, 2006)***

**5. Requirements for Collocation**

- a. Intermediate facilities shall not exceed thirty-five feet (35').
- b. If the existing tower has been determined to be stealth, the antenna must be integrated into the tower design as to retain the stealth designation. The Administrator will determine if the antenna is stealth.
- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive as possible.
- d. **Application Procedures**
  - 1) If not completely locating within an existing, fenced mechanical area, a site plan drawn to scale is required, clearly indicating the location, height, and design of the existing facility, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscape areas.

- 2) Plans for the antenna shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
- 3) All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

***Per Ordinance No. 2902 (June 8, 2006)***

**6. Requirements for New Transmission Towers**

**a. Setbacks**

The standard setbacks for each zoning district will apply to WTFs with additional setbacks or separation being required in the sections below. To protect citizens in their homes, transmission towers shall be placed a distance equal to the height of the tower away from any residential structure. And, non-stealth towers shall be set back a distance equal to the height of the tower away from any R-1, R-1B, or R-2 zone boundary.

**b. Proximity To Major Thoroughfares**

To preserve and protect the appearance of the City's major thoroughfares and entrances to the City, additional setbacks are placed on WTFs proposed to be placed near these areas. The setback for these areas is determined by measuring from the centerline of the right-of-way of the thoroughfare. Applicable thoroughfares include freeways and expressways, major arterials and minor arterials, as shown on the Thoroughfare Plan.

- 1) Intermediate WTFs must be 150 feet from applicable thoroughfares.
- 2) Major WTFs must setback from applicable thoroughfares by the height of the tower x 3.

**c. Separation Between Towers**

In order to prevent tower proliferation and protect the City's natural beauty and skyline, the number of transmission towers per square mile has been limited. New transmission towers must be placed a minimum distance from existing towers as described here:

- 1) New transmission towers 35 feet or less in height shall be separated from existing towers by a minimum distance of 1500 feet.
- 2) New transmission towers more than 35 feet and less than 75 feet in height shall be separated from existing towers by a minimum distance of 2500 feet.
- 3) New transmission towers 75 feet or more in height shall be separated from existing towers by a minimum distance of 3500 feet.

**d. Height Limitations**

- 1) Intermediate WTFs are subject to the normal height restrictions for each zoning district where permitted by right. In any zoning district where a tower is a conditional use, the requested height may be reduced through the review of the visual impact analysis.
- 1) In no case shall a proposed transmission tower exceed 150 feet within the city limits, except where a height variance is granted by the Zoning Board of Adjustments to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating a tower or antenna exceeding such height on a proposed site within the city limits.

**e. Stealth Towers**

Any tower determined to meet the Stealth Tower definition of this ordinance by the approving authority may be located in any zoning district with a Conditional Use Permit. Approved Stealth Towers do not have to meet the tower separation or thoroughfare setback requirements of this section.

**f. Landscaping, Screening, And Aesthetic Standards**

The following requirements shall govern any transmission tower or any parabolic antenna larger than two (2) meters.

- 1) Landscaping: Refer to Section 7.5, Landscaping and Tree Protection. Plant materials and/or fencing that effectively screen the WTF site from view of the public right-of-way will be required.
- 2) New transmission towers shall maintain a flat (not shiny, reflective, or glossy) finish or be painted in accordance with any applicable standards of the FAA (unfinished galvanized steel is not acceptable).
- 3) WTFs shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties.
- 4) Towers may not be used to exhibit any signage or other advertising.

**g. Application Procedures**

An application for administrative approval or a Conditional Use Permit for a WTF shall include the following items (in addition to the site plan and other information required for a standard CUP application):

- 1) An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least one (1) mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the Planning and Development Services Department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The Administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
- 2) Site plan drawn to scale clearly indicating the location, height, and design of the proposed tower, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
- 3) The linear separation distance from other transmission towers within a one-mile radius of the proposed tower site. The linear separation distance from all residentially-zoned properties, residential structures and applicable thoroughfares as outlined in Section 6.3.T.4.b, Proximity to Major Thoroughfares, within 500 feet of the proposed tower.
- 4) A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four (4) views shall be submitted looking toward the site (typically north, south, east and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
- 5) Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least ninety (90) miles per hour.
- 6) All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.



- 7) Grid plan (propagation map) of the service area for existing and future structures for a period of not less than two (2) years. The submission should include a map showing the "search ring" that was required for siting the proposed facility.
- 8) No new tower shall be built, constructed, or erected in the City unless the tower is capable of supporting additional wireless telecommunication facilities. The applicant must submit a letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow additional service providers to locate on the new tower.
- 9) No new communications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving authority that no existing tower, building, structure, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology that can accommodate the applicant's proposed antenna. The Administrator or approving authority may request information necessary to demonstrate that reasonable alternatives do not exist. The applicant must submit:
  - (a) The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half (½) mile radius of the proposed new tower site, including City-owned property.
  - (b) A sworn affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within one-half (½) mile radius of the proposed tower site. The affidavit shall spell out the efforts taken by the applicant.
  - (c) A description of the design plan proposed by the applicant to the City. The applicant must demonstrate the need for towers and why technological design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

***Per Ordinance No. 2902 (June 8, 2006)***

**7. Conditional Use Permits**

Major WTFs must apply for a conditional use permit (CUP) as outlined in Section 6.3.Q.3, Permit table Locations, under the procedures set forth in Section 3.13, Conditional Use Permit. In addition to the standard guidelines, the following additional factors shall be considered by the Planning & Zoning Commission when determining whether to grant a CUP for WTFs:

- a. Height of the proposed tower, surrounding topography and surrounding tree coverage and foliage as they relate to:
  - 1) Skyline impact, examining whether the proportions of the structure appears to dominate or blend in with the surrounding environment.
  - 2) Shadow impact, whether or not the proposed tower will cast shadows that would prevent the reasonable use or enjoyment of surrounding properties.
- b. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- c. Proximity of the tower to residential structures and residential district boundaries.
- d. Economic impact on adjacent and nearby properties.
- e. Proposed ingress and egress.
- f. Availability of suitable alternatives and/or existing support structures.
- g. All the information submitted as part of the site plan.

**8. Abandonment**

Any WTF that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove same within 60 days of receipt of notice from the City notifying owner of such abandonment. If such facility is not removed within said 60 days, the City may remove such facility at the property owner's expense. If there are two or more users of a single WTF, then this provision shall not become effective until all users cease operations on the tower.

**Y. Places of Worship**

1. Where the parking lot abuts residential development, a 10-foot buffer yard with buffer plantings and a minimum six-foot (6') privacy fence is required pursuant to Section 7.6, Buffer Requirements.
2. When outdoor accessory uses including, but not limited to, playgrounds, recreational areas, and special event areas abut residential uses, a minimum fifteen-foot (15') buffer yard with buffer plantings and a six-foot (6') privacy fence is required pursuant to Section 7.6, Buffer Requirements.

**6.4 Accessory Uses**

**A. Accessory Uses**

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

1. The use or structure is subordinate to and serves a primary use or principal structure;
2. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
3. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
4. The accessory use shall be located within the same zoning district as the primary use is permitted; and
5. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

**B. Accessory Structures**

1. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a Building Permit.
2. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots rear setbacks shall be measured from the rear property line. In no event shall more than 30 percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.
3. The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters for family or servants:
  - a. A minimum rear setback of 15 feet; and,
  - b. A maximum building eave height of eight feet (8').

**4. Garage and Carports**

Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of 20 feet. A minimum side yard setback of 20 feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:

- a. A minimum rear setback of 20 feet; and,
- b. A minimum side street setback of 20 feet is required for garages or carports that face onto side streets.

**5. Living Quarters**

Accessory apartments may not be rented to persons other than bona fide servants employed on the premises and members of the family of the occupant(s) of the principal structure.

- a. Single meter service shall be provided to each buildable parcel.
- b. The accessory use shall be subordinate to and serve a primary use or principal structure.
- c. In combination, all accessory uses shall contain no more square footage than 25 percent of the habitable floor area of the principal structure (with the exception of garage or carport areas devoted to the storage of vehicles, which shall not be included in the calculation and may exceed the 25 percent restriction).
- d. A minimum rear setback as stated in Section 5.2, Residential Dimensional Standards, for the district in which the accessory building or structure is located; and
- e. A maximum size not to exceed 25 percent of the area of the principal structure.

**C. Home Occupation**

A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

**1. In-home Day Care** (six or fewer people)

**2. Bed & Breakfast**

A bed and breakfast facility shall be considered accessory to a single-family dwelling.

- a. No more than four (4) unrelated individuals may occupy the property overnight.
- b. The facility must maintain a residential appearance and be the permanent residence of the proprietor.
- c. Limit number of rooms to four (4) where shared/common bathrooms may be provided.
- d. No cooking facilities are permitted in individual rooms.

**3. Exclusions to Home Occupations**

No home occupation shall be permitted that results in any of the following:

- a. Changes the outside appearance of the dwelling;
- b. Is visible from the street;
- c. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- d. Results in the off-street or on-street parking of more than two (2) vehicles at any one time not owned by members of the occupant family;
- e. Creates a hazard to persons or property;

- f. Results in electrical interference;
- g. Is a nuisance;
- h. Results in the any outside storage or display; or
- i. Includes employment within the home or on the premise of persons other than members of the occupant family.

**4. Prohibited Home Occupations**

The following are prohibited as home occupations:

- a. Barber, beauty, and other personal service shops;
- b. Animal hospitals, stables, or kennels;
- c. Dance studios, schools;
- d. Mortuaries;
- e. Private clubs;
- f. Repair shops;
- g. Restaurants;
- h. Automobile paint or repair shops;
- i. Doctor, dentist, veterinarian, or other medically related office; or
- j. Rooming/Boarding House.

**D. Recycling Facilities – Small**

**1. Single Feed Reverse Vending Machines**

Single feed reverse vending machines may be located with a permit either in the interior or immediate exterior of commercial, industrial, or public facilities.

**2. Small Collection Facilities**

Small collection facilities may be permitted when established on an improved surface in conjunction with an existing commercial or industrial use or public facility. The host facility must be in compliance with all City codes. No facility may occupy more than 500 square feet, nor occupy more than five parking spaces of the host site. All vehicular and pedestrian circulation aisles shall be unobstructed.

**a. Setbacks**

Each facility shall be set back at least ten feet (10') from any right-of-way line when located in front of the host use. Side, side street, and rear setbacks established for commercial uses shall be maintained.

Containers intended for 24-hour donation of materials shall be a minimum of 40 feet from property zoned or developed for residential use. Attended facilities within 100 feet of residentially-zoned or developed property shall operate between the hours of 9:00 A.M. and 7:00 P.M.

**b. Landscaping**

A small collection facility shall not be placed on the host site in such a manner as to impair the landscaping required for the subject site.

**c. Parking**

One space will be required if an attendant is provided. Occupation of parking spaces by the collection facility and attendant shall not reduce available parking spaces below the minimum number required by ordinance for the host site.

**d. Noise**

Noise levels shall not exceed 60 dBA as measured at the property line of residentially-zoned or developed property, otherwise noise levels shall not exceed 70 dBA.

**e. Signage**

Each container must be clearly labeled with a sign, limited to one per container and no larger than 20 percent of the side upon which the sign is placed, to provide information pertaining to the type of material to be collected within the container, and the name and telephone number of a person responsible for maintenance who may be contacted at all times. days between the issuance of permits.

**E. Portable Storage Structures**

**1. Residential Use**

- a. A permit shall be obtained prior to placing the temporary structure on the property and the permit shall be posted in view from the right-of-way for the duration of use.
- b. No more than one (1) temporary structure shall be allowed per dwelling unit and shall not remain on the site longer than ten (10) consecutive days from issuance of the permit.
- c. No more than four (4) permits may be issued to a property per calendar year and there shall be a minimum of sixty (60) days between the issuance of permits.
- d. No temporary structure shall exceed a height of eight feet (8'), a width of eight feet (8'), or floor area of 128 square feet.
- e. Temporary structures shall be placed on improved surfaces as specified in Section 7.2.G Off-Street Parking Standards, Surfacing, or screened from view of the right-of-way and adjacent properties.
- f. Temporary structures shall be placed outside the site triangle as established in Section 7.1.C Visibility at Intersections in All Districts.

**2. Non-residential Use**

- a. Site plan approval identifying the location of the structure shall be obtained prior to placing the structure on the property.
- b. Structures shall meet required setbacks as stated in Section 5.4 Non-Residential Dimensional Standards and shall be screened from view of the right-of-way and adjacent properties.
- c. Screening requirements for the structure shall include landscaping and an eight foot (8') wooden fence or wall.
- d. Additional parking shall be provided based on the square footage of the screened area for the structure according to Section 7.2 Off-Street Parking Standards.

***Per Ordinance No. 2902 (June 8, 2006)***

**6.5 Temporary Uses**

Temporary Uses, as set forth below, are declared to have characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

**A. Particular Temporary Uses Permitted**

1. Garage Sales;
2. Indoor and outdoor art and craft shows, exhibits, and sales;
3. Sales of Christmas trees or other seasonal goods;
4. Religious revival tents;
5. Temporary buildings and equipment for uses incidental to construction work on

premises in any zone but shall be removed upon the completion or abandonment of construction work. None shall be located on any public street or public right-of-way at any time during construction;

6. Temporary facilities for manufacturing concrete or concrete products may be located in all zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its pre-construction state following completion of the associated project.

**7. Farmers' Markets**

- a. Temporary outdoor sales of products in an unrefined state, by a State Certified Farmers' Market may be operated for a maximum of two (2) days per week and are permitted on:
  - 1) Public properties, with locations approved by the Administrator, and
  - 2) Private property in zoning districts that allow for retail sales as a permitted use.
- b. The Market must be located within a paved parking lot, and shall not utilize more than ten percent (10%) of the required number of parking spaces on private property. The Market may not be located within drive aisles, fire lanes, or parking setbacks, and in no case shall the market be located within the public right-of-way.
- c. The Market must comply with Section 7.4 Signs. Attached signs advertising the Market, or any products for sale, must be securely attached to the sales area. Temporary Freestanding Signs and Commercial Banners, as described in Section 7.4 Signs, are not permitted.
- d. The Market shall have approval of the City of College Station prior to location or sales.

***Per Ordinance No. 2902 (June 8, 2006)***

**B. Temporary Residential Sales Offices and Model Homes**

The following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:

1. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development; however, they shall only be located at the end of a residential block on the periphery of a subdivision or at the entrance to a subdivision;
2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when Certificates of Occupancy have been issued to 95 percent of the associated residential units or when use as a sales office or model home has ceased; and
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home.